



STATE PROCUREMENT OFFICE SEP 29 12:25
NOTICE OF AMENDMENT TO EXEMPTION FROM CHAPTER
103D, HRS, CONTRACT

STATE PROCUREMENT OFFICE
STATE OF HAWAII

1. TO: Chief Procurement Officer

2. FROM: DBEDT/Strategic Industries Division/Renewable Energy Branch
Department/Division/Agency

3. Name of Contractor: AECOM Technical Services

4. P.E. Reference No. 11-047-B

5. Description of goods, services, or construction:

Please see attached.

6. Scope of work for the contract is revised as follows:

Please see attached.

Original Contract Price: \$2,997,947.00

Amended Contract Price:
\$5,100,000.00

7. Reason: This / These amendment(s) are necessary because:

Please see attached.

8. Direct questions to: Maria Tome

Phone: (808) 587-3809

Agency shall ensure adherence to applicable administrative and statutory requirements.

9. Pursuant to § 103D-102, HRS, and § 3-120-5, HAR, I certify that the
information provided above is, to the best of my knowledge, true and correct

Department Head

Date

9-28-11

Reserved for SPO Use Only

10. Date Posted: 9/30/2011

11. Submit written objections to this notice of intent to amend a procurement exemption contract within seven calendar days or
as otherwise allowed from the above posted date to:

Chief Procurement Officer
State Procurement Office
P.O. Box 119
Honolulu, Hawaii 96810-0119

Chief Procurement Officer's Comments:

SEE CPO COMMENTS ATTACHED AS PAGE 4.

12. ☐ APPROVED ☒ DISAPPROVED

Chief Procurement Officer

Date

13. P.E. No. 11-047B
Amend 1

5. Description of goods, services or construction:

The existing contract calls for the preparation of scientific and technical studies to support a programmatic Environmental Impact Statement ("PEIS") for the Hawai'i Interisland Renewable Energy Program ("HIREP"), the scope of which includes the analysis of areas in Maui County that are suitable for wind generation facilities. Included in this objective are the preparation of scientific and technical studies to support the PEIS, management and quality assurance plans, Cultural Impacts Assessment, biological studies of species in nearshore waters and wetlands, and strategic support. The services also include conducting alternative wind facility location screenings, evaluations and ranking, preparing required documentation for National Environmental Policy Act (NEPA) and Hawai'i Environmental Policy Act (HEPA) compliance for HIREP and conducting the public involvement process.

6. Scope of work for the contract is revised as follows:

The revised scope for the contract would include the same scientific and technical studies but for additional impact analyses at additional areas in Maui County that are suitable for two other renewable energy technologies: solar/photovoltaic and geothermal. Additionally, because this revision would alter the scope of the PEIS, the National Environmental Policy Act (NEPA) may require that we reopen our public scoping process.

AECOM, the contractor, proposes to accommodate all of the scope changes for an additional \$1,986,488.00, bringing the total contract to \$4,984,435.00. This amount is consistent with other EISs and PEISs of this scope and scale. Based on past experience, additional related services may be required, such as unforeseen public meetings or additional community outreach. Therefore, due to these unforeseen expenses, the total budget for this exemption request is not to exceed \$5,100,000.00.

| | |
|---------------------------------------|--------------------|
| Original Contract | \$2,997,947 |
| Proposed Scope | \$1,986,488 |
| Future Unforeseen Changes | \$115,565 |
| Amount Requested for Exemption | \$2,102,053 |
| Total Budget | \$5,100,000 |

7. Reasons:

On March 7, 2011, Procurement Exemption P.E. 11-047-B was granted which accommodated additional studies necessary to prepare a PEIS for the HIREP. Around the same time, on March 1, 2011, the original public scoping period on the PEIS closed. The original PEIS scope considered two alternatives – (1) a program with Wind Generation Facilities, and (2) a no action alternative. DBEDT and the Department of Energy ("DOE") had patterned the PEIS alternatives after numerous other federal PEIS, as there is no state PEIS model to follow. However, after DBEDT compiled and sorted through comments from more than 250 individuals and entities, it became apparent that the request from the public for DBEDT to study additional renewable energy technologies as a part of the programmatic EIS was an overwhelmingly

common theme. Both the federal and state EIS laws require DBEDT to consider public input during the scoping process. After consultation with other federal and state agencies, DBEDT decided that the inclusion of solar/photovoltaic and geothermal technologies in the PEIS would be in the best interest of the State.

Under the current contract, AECOM has completed significant work. If DBEDT were to have to rebid the contract and procure a different contractor, that contractor would have to re-examine and reevaluate AECOM's work resulting in significant time delay and monetary waste. AECOM has already spent significant time and effort in getting familiar with all of the environmental issues, as well as the stakeholders in the project. In many cases, AECOM's team has already forged working relationships with community members and groups. If a new contractor were to replace AECOM to perform the additional analyses for the PEIS, it would spend months of staff time and budget getting up to speed on all of AECOM's progress. More importantly, the relationships it has built on behalf of the State would be destroyed and a new contractor would have to work even harder to rebuild such relationships for the State. Therefore, rebidding this contract would not be advantageous to the State and its goals for energy independence.

CPO COMMENTS:

The original contract dated 05/20/10 with AECOM was a result of a solicitation for Interisland Wind Project and Interisland Undersea Cable Project State and Federal Environmental Review.

PE 11-047B was received by SPO on 01/03/11 - requesting broadening the scope of services with no additional costs to state, but funding for original contract and inclusion of the broader scope comes from ARRA funds that needed to be expended by 04/30/12. Also the broader scope of services was still related to Wind and did not include additional technologies that Amendment 1 is requesting.

PE 11-047B Amendment 1 was received by SPO on 09/29/11 - requesting the additional scope of services (solar/photovoltaic and geothermal) at an additional cost of \$2.1 mil.

On Page 2 No. 7 Reasons:

Request states:

". . . from more than 250 individuals and entities, it became apparent that the request from the public for DBEDT to study additional renewable energy technologies . . . " It seems very short sighted and detached from the subject matter on DBEDT's part that the public had to inform them they should consider solar/photovoltaic and geothermal technologies. DBEDT knew of these technologies at the time they issued the initial solicitation and had the opportunity to include it in the solicitation for proper disclosure and open competition. DBEDT chose the narrow scope of services.

The SPO received comments and objections from two concerned organizations. However, the objections are concerning DBEDT's program policies and decisions as opposed to concerns on procurement law and practices and did not factor into this disapproval.